

RECEIVED
ENFIELD TOWN CLERK

2023 MAY 12 AM 10:44

Sheila M Bailey

MINUTES

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

TUESDAY, May 2, 2023, 7:00PM

REGULAR MEETING

Council Chambers; 820 Enfield Street, Enfield, CT 06082

1. Call to Order

Chairwoman Corbin-Sobinski called the meeting to order at 7:00 P.M.

3. Roll Call

Members present: Chairwoman Corbin-Sobinski, Commissioners, Kevin Zorda, Virginia Higley, Robert Hendrickson, Nancy Martin, Anne Collins, and Phil Kober.

Also, present Georgienna Driver, Assistant Town Planner

4. Public Communication: None

5. **Agent Correspondence:** Chairwoman Corbin-Sobinski stated that they received an email forwarded from Georgie on DPN's from the attorney, they will discuss on June 1, 2023, at the training.

6. Approval of Minutes:

a. April 18, 2023

Commissioner Zorda made a motion to approve the minutes from April 18, 2023, as amended, seconded by Commissioner Higley.

Discussion: Commissioner Kober indicated that on page 3 last paragraph, the word "aerial" was spelled incorrectly. Also, on page 5 second full paragraph referring to Lori Longhi, the "i" was missing from her name.

Chairwoman Corbin-Sobinski indicated that Lori Longhi was spelled incorrectly throughout the minutes. The correct spelling is Longhi. Also on page 4, 4th paragraph, the 't' is missing from Commissioner Martins name.

Motion passed by 7-0-0 Vote.

Commissioner Zorda made a motion to approve the minutes from the Special Meeting on April 21, 2023, seconded by Commissioner Higley.

Motion passed by 5-2-0 Vote.

7. **Town Attorney Report:** April 24, 2023, Town Attorney Report regarding items of litigation.

8. Continued Public Hearings:

Commissioner Zorda made a motion to continue the public hearing, seconded by Commissioner Higley

Motion passed by 7-0-0 Vote.

Chairwoman Corbin-Sobinski explained the rules and the purpose of the public hearing.

Chairwoman Corbin-Sobinski read into the record a letter that they received from Attorney Hinckley and Allen.

a. **IW# 677-92 Post Office Road-** Application for the development of a single-family home; Windbrook Homes LLC, Owner/Applicant; Map 47/Lot 10; R-44 Zone.

Lori Longhi 1427 Enfield Street. Ms. Longhi handed out papers to the Commission for the record and she stated that forgot to give her qualifications for the record at the last meeting. She is a Connecticut licensed certified general appraiser and specializes in complex land appraisals. She has appraised floodplain properties. She is a licensed builder as well. Ms. Longhi discusses the applicant's application which states that the property is not in a watershed. However, there is court documentation that states the property is in Beemans Brook Watershed. She discusses the flags on the property not properly flagged, ferns, and water on the property from rainstorms. She brought with her court photos of the property so they could see the topography. She further states that she does not know how the board can approve a permit without knowing the location of the wetland's boundary between this property and the town's property. Based on the court case this property cannot drain onto 94 Post Office Road, which it has been doing since the trees were removed. She said there needs to be a swale and piping to show on the plot plan to prevent the continuation of this runoff.

Michele Menard 94 Post Office Road. She handed out paperwork for the record. She stated on the site walk last week you were able to see the proposed building location and the area where the water pools on the applicant's property and later runs off onto her property. She pointed out that on the low spot or natural swale does not drain forward toward the street because it's at a lower elevation than the existing sidewalk. So the water does not flow uphill toward the street but downhill toward her property. Her second concern should stormwater runoff be going into the natural wetlands or should it be directed somewhere. She quoted from the Connecticut stormwater quality manual.

David Longhi 1427 Enfield Street. He stated that he has been a licensed builder, landscaper, and farmer for over 45 years. He was able to attend the site walk on April 21, 2023, which he stated that many things were not addressed. He said the property pins were not marked; the house not staked out on the property. He stated he is familiar with the property going back 35 years. He stated that he watched this site turn into a water site with the development of the Brooks Brothers warehouse and turned into a flood zone with the development of 7 houses. On April 24, 2023, Post Road was closed due to runoff which is a common

occurrence. He asked if any studies have been done on stormwater management? They need to consider the impact on 94 Post Office Road.

Ann Marie Galdenzi 1330 Enfield Street. She indicated that this past weekend with all the rain she drove over to Post Office Road to see for herself and the brook was overflowing. In the banks you could see the water through the grassy areas.

Karen Camidge 40 Fairfield Road. She stated that she was present at the last meeting. She wanted to hear about the site visit and if they share her concerns that there are wetlands on lot 1 and there needs to be proper mitigation put in place so the wetlands are not impacted.

Reinhard Von Hollander, the applicant, handed out a packet of pictures which were taken yesterday. He said as of April 22, 2023, they had 5 inches of rain. He summarized the site walk, where they walked, and what they saw. He discussed the distance from the proposed house with the abutter's property. He went over the pictures one by one and discussed each picture.

Roy Meggie, licensed engineer, and surveyor He conquered with the speaker that water cannot travel uphill. He discussed the easterly line along 94 Post Office Road. The elevation is around 120 or 121 and the elevation on 92 Post Office Road is 119. He said that he went to the property over the weekend since they had over 2 inches of rain to see how it was draining, he said it was dry and there was no water. He said that they have addressed the concerns outlined to them.

Eric Davison was present virtually and said they covered the wetlands at the previous meeting. He said he's not sure what else to say on the wetland flagging. It was done recently and has no relevance to the old flagging from the previous soil scientist. His line shows more wetlands and is more conservative. He stated one of the speakers discussed wetland flagging on the other parcels. That would have to be a special request from the town. If it's something that needs to be done, they can do it. He stated with the level of concern they can do an infiltration gallery on the opposite side of the house of the neighbor with the concerns.

Reinhard Von Hollander stated that at the last public hearing that Lori Longhi and Michele Menard were concerned and asked if there is a way that they could take the downspouts on the east side of the house and put them into a dry well. That's what they did, they proposed, and came up with a design. He believes that they have come up with an alternate that the abutter has asked for.

Commissioner Zorda talked about the natural swale and proposed grade if there was a way they could "more engineer" and make the swale a little bit defined and more effective.

Mr. Meggie stated most of the front is slopping directly toward the road, he said they could put spot elevations on it.

Ms. Driver discussed a site-specific condition that the applicant was willing to add an enhanced swale or rain garden.

Chairwoman Corbin-Sobinski asked if there was a way to direct it all towards the front and away from the wetlands because they are not supposed to drain into the wetlands.

Ms. Driver stated that currently it already exists there and if they were to do that, they would be impacting the actual wetlands soil causing more disturbance. What is draining there will continue to drain. If they improve the drainage in the front, it will be better for the wetlands.

She reiterated that they already addressed the concerns with the drainage on lots 3, 4, 5 and 6 onto lots 1, 2 and 7. Comments from the department have been satisfied.

Commissioner Higley commented on her concern with lot 1 and the pristine wetlands on that lot and they are going to be putting more water in there. She asked if there was a way to lessen the water impact over there?

Reinhard Von Hollander stated that he wanted to point out that they are 78 feet from the property line.

Ms. Driver stated that on the stipulated agreement they are allowed to drain on lot 1. They can drain onto the towns lot, 1, 2 and 7.

Commissioner Zorda asked if they could tie in the sum pumps into the dry well. Mr. Von Hollander stated they could.

Commissioner Collins talked about her concerns with the soil and drainage on the west side of the property. She walked and noticed there is no upland area where the mulch piles are and where the trees were taken down. She referred to lot 1 and part of the applicant's property shows high functioning wetland. She stated that she was reasonably certain from her walk through there that they would have to stay at the 119-contour line, because at the 118 you would have to remove the shrubs.

Mr. Davison said he believes the area that Commissioner Collins is referring to is west of the lot. He said the old survey map showed a delineated wetland on that parcel. He stated that he did not flag lot 1 as it is not the application. He cannot speak to wetlands on another property.

Ms. Driver said they are not proposing any disturbance after the tree line on the site and if they were to do anything over there, they would be disturbing the existing soils.

Chairwoman stated the old maps can not be used because the wetlands were disturbed after that was done and this the reason for the lawsuit. She recommended hiring a soil scientist to look at both lots.

Ms. Driver said they just need permission from the Town Council to do this and she believes the funds to pay for the soil scientist are on the applicant.

David Longhi stated that they talked about sandy soils, but it does not matter what the soil is, if it's saturated, its not draining. Soil does not drain in the winter when it's frozen.

Lori Longhi wanted to thank Commissioner Collins because she walked that area and her boots were filled with water. She took pictures of this to show because no one realizes that's where the water is. This is why it's important to have that side of the property flagged.

Michele Menard said she has not seen the revised plans but feels that they are addressing the issues. She said after a storm the site location is dry, during a storm there is about 3-4 inches of water in that low spot that pools there and runs off. However, given the volume of water it's not draining quick enough.

Karen Camidge thanked the Commission for listening to their concerns, and hopefully getting lot 1 delineated so we know what wetlands are there so we can protect them.

Reinhard Von Hollander stated that they are not disputing that lot 1 has wetlands and that they are 78 feet away from the boundary on lot 1. They have satisfied engineering staff comments, planning comments, addressed the inland wetlands issues, they flagged the site as told and that is the limit of wetlands on this property. They showed the 100-foot buffer, they are working outside the 100-foot buffer and minimal disturbance. During the site walk it was stated that there was minimal disturbance. Commissioner Zorda referenced that several times during the site walk. His countless revision to the plan shows his willingness to work with everyone. He stated that they had ample opportunity to walk all over the site and if there were concerns, they should have been raised then in fairness to him as the applicant. He doesn't know how flagging of lot 1 is relevant to his site. His plan shows a clear line at 119 that they are not going beyond.

Commissioner Kober stated that he is glad to see the revision with the dry well and the enhanced swale between the property shows a willingness from the applicant. I also realize the point that the Chairwoman Corbin-Sobinski mentioned with the neighboring property and that we should confirm that it's not a regulated area. Commissioner Martin concurs with Commissioner Kober.

Commissioner Kober made a motion to continue the public hearing as amended for a. **IW# 677-92 Post Office Road-** Application for the development of a single-family home; Windbrook Homes LLC, Owner/Applicant; Map 47/Lot 10; R-44 Zone with a stipulation that the agency requests delineation of the adjacent property with one of the five soil scientists; Eric Davison, George Logan, North Central Conservation, Dave Askew, Soil Scientist and Environmental, seconded by Commissioner Higley.

Ms. Driver stated that they need to pick a soil scientist before they move forward.

At 8:40 pm Chairwoman Corbin-Sobinski called a 5-minute recess to review and chose 5 soil scientists.

Public hearing back in session at 8:45 pm. Chairwoman Corbin-Sobinski indicated that they picked 5 soil scientists to contact. Eric Davison, George Logan, North Central Conservation, Dave Askew, and Soil Scientist and Environmental.

Ms. Driver stated that she would contact them and see who is available as soon as possible.

Motion passed by 7-0-0 Vote.

Chairwoman Corbin-Sobinski indicated that the public hearing is continued until May 16, 2023.

9. New Public Hearings: None

10. Old Business:

Determination of Permit Needed

a. **DPN#2023-03-24D-147 Abbe Road-** Application for a determination of permit needed for the expansion of the existing pond; Jarmoc Tobacco, LLC, Applicant; Jarmoc Real Estate, LLC, Owner; map 85/Lot 16; R-44 Zone. **TABLED**

11. New Business:

a. **IW# 679-161 Post Office Road-** Application for a re-subdivision; Garrett Homes, LLC, Applicant; Mitchell Wojnar; Owner; 68/Lot 232; BL-Zone.

Attorney Robin Pearson-Cole and Tim Houle, P.E. and Eric Davison soil scientist presented the application to divide 12.673 acres into 2.376 and 10.297 acres. The staff report that they received is clear that the proposed re-subdivision will not have an impact on or affect the upland review area or wetland locations.

Tim Houle went over the plan to re-subdivide the parcel of land. Eric Davison did a delineation in early 2023 and located 2 wetlands resource areas and there's an unnamed stream. In addition, there are escarpment areas adjacent to the wetlands. The entire parcel is located within zone X which is outside the 100-year flood plain. The drainage conditions of the existing lot were examined.

Commissioner Zorda made a motion to approve **IW# 679-161 Post Office Road-** Application for a re-subdivision; Garrett Homes, LLC, Applicant; Mitchell Wojnar; Owner; 68/Lot 232; BL-Zone, with 2 site specific conditions and 10 general conditions seconded by Commissioner Higley.

2 site specific conditions

Final plans will include a cover sheet with the sheets index.

Final plans will include the 100-foot upland review area boundary line on both sheets SB1 and sheet AL1.

Motion passed by 7-0-0 Vote.

12. Enforcement Report (s): None

13. Report of Planning Staff: No update on Yankee Castings

14. New Applications to be Received: None

15. Miscellaneous: None

16. Adjournment: Commissioner Higley made a motion to adjourn, seconded by Commissioner Kober.

Motion passed by a show of hands 7-0-0 vote.

Meeting adjourned at 9:03 pm

Prepared by: Sandie Barone

Respectfully Submitted,

Virginia Higley, Secretary